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OBSERVATIONS UPON THE TREATY

Between the CROWNS of
Great-Britain, France, and Spain,

Concluded at SEVILLE on the Ninth
of November, 1729, N. S.

*Afflatuque suo Populos, Urbesque, Domosque
Polluit : et tandem Tritonida conspicit Arcem,
Ingeniis, Opibusque, et festâ pace virentem :
Vixque tenet lacrymas, quia nil lacrymabile cernit.*

L O N D O N :

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RESERVATION

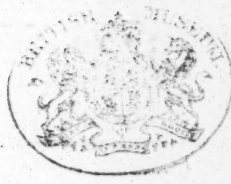
UNITED STATES

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OBSERVATIONS

UPON THE

Treaty of Peace, Union, Friendship, and Mutual Defence, between the Crowns of GREAT-BRITAIN, FRANCE, and SPAIN, concluded at SEVILLE, Nov. 9, 1729, N. S.

I Am not in the least surpriz'd at the Pains some People have taken to discredit the Treaty with *Spain*, even before they had seen it. It was a natural Consequence of the Efforts they had made to prevent it, before it

was concluded. They flatter'd themselves with the Hopes of a burthensome War, and they are disappointed by the Conclusion of an advantageous Peace. But their Consternation, great as it is, is not to be pitied, since it is a sure Mark of our Happiness. They are like those Wretches that live upon dangerous Coasts, whose Profit arises from Wrecks, who subsist by the Calamities and Misfortunes of their Fellow Creatures ; and whose Affliction is consequently a happy Presage of Calm and Serenity.

I must own I am so thoroughly convinc'd of the ill Intentions of these Men, and of the unworthy *Motives* on which they act, that I cannot help rejoicing at this Disappointment, which has at once destroy'd all the pleasing Prospects of Power and Revenge with which they had for some time flatter'd themselves. And surely if any thing could add to the Pleasure which every honest *Englishman* must feel upon so joyful an Occasion, it must be the Damp it has struck upon the Spirits and Counsels of those who have so long labour'd to retard and obstruct the Scene of publick Felicity, which now shews itself
to

to the utter Confutation of all the Objections rais'd against the Measures that have brought about this happy Event.

The Disputes which were last Winter carried on with respect to the publick Negotiations, are still fresh in every body's Memory ; and it is not at all necessary to repeat the particular Arguments which were then us'd ; yet this is certainly worth recollecting, as what was then objected with so much Truth to the Writers against the King's Measures, That they not only endeavour'd by the most groundless Insinuations and Assertions to raise Prejudices in the Minds of his Majesty's Subjects, but even went so far as to suggest such Arguments to our Enemies, as were most likely to prevent their Acceptation of those Terms which alone could at that Time have secur'd our National Interests. And indeed it was not at all wonderful, that Those who, in order to promote the Success of their pernicious Schemes, had leagu'd themselves with *One* so infamous for betraying his Country, and for the ungrateful Returns he has

has constantly made to all who have either *employ'd* or *protected him*, should, for the same Ends, make no Scruple of adopting his Morals and Maxims, and so openly declare in Favour of any Power which, they then flatter'd themselves, would be most willing, as well as best able, to second their ill Designs upon this Nation.

The Point then labour'd was, as I before hinted, to prevent the Conclusion of the Provisional Treaty ; and this was to be done by furnishing *Spain* with Arguments to justify their seizing and detaining the South Sea Company's Effects, and their Depredations upon our Merchants in the *West Indies*. What Impression was really made at the Court of *Madrid* by these treacherous and ill-grounded Suggestions, is now needless to enquire ; since by the late happy Change of Affairs, all such malicious Insinuations are become insignificant, his Majesty having sooner found a Disposition to Peace and Reconciliation in a Foreign Power, than in these Domestick Enemies to his Person and Government.

It cannot certainly be expected that the same Persons, who were so much alarm'd at the Negotiations, and apprehended so many ill Consequences to themselves from the *Conclusion* of a *Provisional* Treaty, should shew less Concern and Disappointment upon the News of a *solid* and *lasting* Peace, or should be less alert and active in their Endeavours to prevent its becoming General. And indeed, since the Treaty of *Seville* is beyond the Reach of their most artful Malice, since the States General have acceded to it, and *one more Accession* might compleat the *Disgrace* of these Patriots, and the *Happiness* of their Country; it will be but consistent with their Character, and we may most certainly expect, that they will now apply their whole Skill and Invention to find out such Reasons as may best serve to divert his Imperial Majesty from becoming a Party to these Engagements.

In order therefore to shew what kind of Behaviour we are to expect from them, I shall just take Notice of some false Insinuations they have already let fall with Regard to this Treaty, which
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they

they could not at that Time have possibly seen, 'and of the Contents of which ' they would persuade us, that the Directors of a Company extremely interested ' in the Consequences of this Treaty were ' equally ignorant, ' tho' those Directors had seen and approv'd them. It is evident that these Insinuations proceeded rather from their Wishes, than from their *Belief* that they *were true*; and that the Concern they affected upon this Occasion, for the *Security* of our National Interests, was to be attributed to nothing but their Apprehensions that those Interests were but too well settled and *secured*.

It has likewise been hinted, that the securing of the Succession of Don *Carlos* in *Italy* by *Spanish* Garrisons, (which makes one of the principal Stipulations of the new Treaty) is a Step that may prove dangerous to the Peace of *Europe*, and that the Emperor in particular is obliged in Interest to prevent its taking Effect. But these Gentlemen ought to remember, that this Point of the Succession of *Don Carlos* to the Duchies of *Tuscany* and *Parma*, had already been consented to and established by the Quadruple Alliance: And I will venture

ture to say, that whatever Fault may justly be found with that Treaty, there can be no solid Objection made to that Part of it which allots those Dutchies to Don *Carlos*. The present Possessors of those Countries having no Heirs Male, and there being little or no Hopes of their ever having any ; had that Succession been left open, all *Italy*, considering the Strength and Influence of those Dominions which the Emperour has already got Possession of in that Country, must in all Probability have fallen into his Hands, or at least into such Hands as must have had an entire Dependence on him. And this seems to be the Opinion of the Body of the Inhabitants in those Countries : For by all the Advices from thence, there never did appear greater Joy and Satisfaction in People of almost all Orders and Ranks upon any Occasion, than was observed there upon the News of the Treaty of *Seville's* being signed.

As to this Nation, it has already sufficiently contributed to the aggrandizing of his Imperial Majesty in that Part of the World, and has for some Years past felt, and may still feel in a yet

more sensible Manner, the Returns of his Gratitude. But whether the Gentlemen approve or disapprove of this Succession, they cannot charge it as a Fault of this Treaty. I do not pretend to be able to form any Judgment how far the Counsels at *Vienna* may be influenced by their *Suggestions*, I am not at all acquainted with the Intentions of that Court as to this Particular, and I have very little Reason to expect any Information from *thence*, having never dealt in the *Honourable Traffick* of transmitting Intelligence from *hence thither*. Only thus much I will affirm, that the Emperor cannot reasonably take Offence at this Stipulation, being himself under previous Engagements by the Quadruple Alliance to make it effectual: And has in Consequence of that Treaty already given *Don Carlos* the Eventual Investitures of *Tuscany* and *Parma*, for which his Imperial Majesty had, and still possesses, the Kingdom of *Sicily*, as an Equivalent: Neither can the Variation made by the present Treaty of *Spanish* instead of *Swiss* Garrisons, justify, in Reason and good Sense, his Imperial Majesty's not consenting to it, unless he can shew that he

he may be prejudiced by that Alteration ; for it is to be supposed that it has always been his Intention to make good the Engagement which he laid himself under by the Quadruple Alliance, in favour of *Don Carlos's* Succession ; and the only Question now is, whether this Variation will make that Engagement more effectual or not ? If it makes it more effectual, it would be inconsistent with his Imperial Majesty's good Faith to oppose it ; if otherwise, he ought not to complain of it, should his Imperial Majesty, as these Gentlemen seem to think, have an Inclination to defeat that Succession.

As to the *Spanish* Garrisons, they are as strictly obliged by this Treaty, as the neutral ones were to have been, not to interfere in any manner with the Government of those Countries, but to confine themselves barely to keeping Possession of the Places committed to their Care ; and the Emperor can be under no Apprehensions of Danger on this Head, having constantly, in the Neighbourhood of those Garrisons, a Number of Troops more than sufficient to awe and check them, should they offer
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to exceed the Bounds prescribed them; and he can, without doubt, as easily keep them in order as he could the *Swiss*. It is therefore, in my Opinion, undeniable, that the Emperour cannot, in Justice, refuse to joyn in this Treaty on Account of this Variation: And it is equally manifest, that any Minister would have deserved the severest Punishment, who should have advised the King to have deferred, for one Month only, the Accommodation of our Differences with the Court of *Spain*, for the Sake of this Alteration; especially since, by the Manner in which this Affair is now settled, we are freed from the Engagement we were before under, of paying one third Part of the Expence which would have been requisite for maintaining neutral Garrisons in the Dutchies of *Tuscany* and *Parma*. I am perswaded the World will, upon the whole, own that His Majesty and his Allies have acted very generously with Regard to the Emperour, since, instead of resenting the Part the Court of *Vienna* has acted towards His Majesty and this Nation, they have once more put it in his Imperial Majesty's Power to make his Peace upon safe and honourable Terms, without

without any Diminution of his Dignity Rights or Possessions. But if the Court of *Vienna* shall be so ill advised as to refuse these Offers, They alone ought to be answerable for the Mischiefs they may in all probability bring upon themselves ; and it is hardly to be imagined that they will find any Allies to support them in so wild and unjustifiable an Opposition to Measures that are in themselves just and reasonable, and have been concerted by Powers of such Weight and Consideration, as those who have joined in this Treaty in order to establish the publick Tranquility.

To quiet the Uneasinesses of these Gentlemen, and to rid them of those terrible Apprehensions they affect to be under least *this so long look'd for Peace should have left our foreign Acquisitions in an uncertain and precarious Condition*, I shall beg Leave to observe to them, that as by the first Article of this Treaty all former Treaties and Conventions between the contracting Parties are renew'd and confirm'd, in the same Manner as if they were actually inserted Word for Word in this ; it is evident that we have here a very full Acknowledgement on the Part of *Spain*, of our Right
to

to *Gibraltar*, and the Island of *Minorca*, which was acquired by the Treaty of *Utrecht*, and has been confirmed to us by subsequent Treaties. But the second Article still goes farther, and by it the King of *Spain* himself gives his Majesty his Guaranty, for all his Kingdoms, States and Dominions, in whatsoever Part of the World they are situated, and consequently for the Possession of these very Places. This Guaranty is given absolutely, upon the Foot of former Treaties, without any Reservation for a future Discussion of any Pretensions whatsoever, either at a Congress, or before Commissaries. So that I may defy these Gentlemen, or any body else, to shew in what Manner those *Foreign Acquisitions* can be more effectually secured.

As our Possessions are thus secured to us beyond all Possibility of Doubt or Cavil, so all our Privileges and Advantages in Commerce are reestablished upon the Foot of former Treaties ; and it is likewise with great Satisfaction that I observe, that the utmost Regard has been shewn towards the Losses which our Merchants may (not only for these

these few Years last past, but at any Time) have unjustly sustained. His Majesty's tender Concern for his Trading Subjects, who have certainly a Right to his peculiar Care and Protection, is the more to be applauded, because it has frequently been their hard Fate to be the Victims of National Quarrels, and to be left, at the Conclusion of a Peace, without any Compensation for the Calamities which the preceding Disturbances had brought upon them. It is therefore the most sensible Pleasure to me, to reflect, that by the Articles of this Treaty our Merchants are entitled to Restitution of all Ships and Effects that have at any time been taken from them contrary to the Treaties of *Utrecht*, or any other Treaties which subsisted between *England* and *Spain* to this very Day ; which is the Point I shall now proceed to prove.

By the first Article (as I before observed) all former Treaties and Conventions of Peace, Friendship, and Commerce, are, without any Exception, renewed and confirm'd, in as ample Manner, as if they had been inserted Word for Word, His Catholick Majesty promising *not*
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to do any thing himself, or even suffer any thing to be done, that may be contrary thereto directly or indirectly.

By the second our Possessions, and all our Privileges and Rights of Commerce, are guaranteed to us.

By the fifth *immediate Reparation* is promis'd for the Damages suffered by the Subjects of *Great Britain* in *Europe* since the Time prescrib'd by the *Preliminaries for the Cessation of Hostilities* there, and in the *West-Indies* since the Arrival of the King of Spain's Orders at *Cartagena*.

The sixth Article declares, and that without Limitation as to any Retrospect, that all Ships and Effects taken at Sea, in Europe, to the Time prescrib'd by the Preliminaries for the Cessation of Hostilities; and in the West-Indies, till the Arrival of his Catholick Majesty's Orders at *Cartagena*; shall be referred to Commissaries, who shall be appointed for that purpose within four Months after the Exchange of the Ratifications, and whose Decisions shall be punctually executed.

And

And indeed for my own Part I must confess myself ignorant, and I believe might challenge the most clear-sighted of these Gentlemen to shew, what other Method could possibly have been used, in a Case where there must of necessity be so great a Variety of Pretensions, some of them of so long standing, and where the Distance of Place and Time alone must create some Difficulties, with Regard to the Captures and Seizures, as well as to the several Proofs.

But before I leave this Article, I must take Notice of that Part of it, which relates to the Claim his Catholick Majesty may have to Recompence for the *Spanish* Ships of War, which were taken in the Mediterranean in the Year 1718. By the Treaty of 1721 it was agreed that those Ships should be restored; or in case of their being sold, the Value of them paid in Money to the King of *Spain*. As therefore the King of *Spain* had agreed, by the first Article of this Treaty to a Confirmation of the Treaty of 1721, and had consequently acknowledged our Right to demand Restitution of all that we could ever claim in

pursuance of that Treaty, He, in his Turn, pretended to the Restitution of the Men of War above-mentioned, or their Value, by virtue of the same Treaty. And this certainly was a Claim, which, considered abstractedly from some Circumstances attending that particular Case, could not have been disputed. Those Circumstances were, That his Catholick Majesty did actually send Commissaries in pursuance of the Treaty of 1721, to *Port Mahon*, where the said Men of War then lay, to demand the Restitution of them, and that they were really at that Time offer'd to those Commissaries, but refused by them, on Account of their being in a decay'd Condition, and unfit for Service, and were upon that Refusal, drawn out of the Harbour by Order of the Governour, and sunk in the main Sea. This was what was alledged on our Part when the present Treaty was negotiating, but as the King of *Spain* still insisted upon his Right to the Restitution of the said Ships, tho' he was contented to refer that Pretension to the Discussion of Commissaries, I would fain know upon what Grounds, and by what Rule of Justice, his Majesty could have refused to comply

ply with this Request ; since it is notorious that the Ships to which *Spain* was intitled by the fifth Article of the Treaty of 1721 were never actually restored, and his Catholick Majesty has at least a Right to have the Reasons, why they were not restored, examin'd into. And there was the lels Pretence for declining this Discussion, because we were sure it would upon Examination appear that it was the Fault of the *Spaniards* only that those Ships were not put into their Possession.

The first separate Article does most fully shew that the Terms of our former Treaties with *Spain* are to be the Rule and Measure of the Restitution of all Seizures made upon the breaking out of Hostilities, and of the Reparation to be given for the Losses sustained at that Time by our Merchants. And in the second separate Article it is declared that, in Consequence of the foregoing one, *all Ships, Merchandize, and Effects, taken or seized*, (provided it were not upon account of *unlawful Commerce*) and which shall be proved by *authentick Proofs and Documents* to have been detained, seized, or confiscated

fiscated in the Ports of Spain, either in Europe or in the Indies, and namely the Ship Prince Frederick, and her Cargo, if they have not been restored already, shall be immediately restored in the same Kind, as to those things which shall be found still remaining in that Condition; or in default thereof, the just and true Value of them according to their Valuation; which, if it was not made at the Time, shall be regulated by the authentick Informations which the Proprietors shall exhibit to the Magistrates of the Places and Towns where the Seizures were made.

And it appears manifestly by the latter Part of this Article, that Those only the Validity of which may not yet have been sufficiently made out, are to be referred to the Examination of the Commissaries, to do therein according to Right upon the Foot of the Treaties.

And indeed it was but just that these Seizures should be distinguish'd by an immediate Restitution, since the Claim of our Merchants is, in this Case more clear, and less liable to dispute, than it can be in the Case of Depredations

tions committed upon them by private Captors; these Ships and Effects having not only been seized within the Time allowed by the Treaties confirmed in the foregoing Article for withdrawing them from the several Ports of *Spain*, but being detain'd for his Catholick Majesty's own Use, by his own Officers, and in Obedience to particular Orders from the Court of *Spain*. So that the said Ships and Effects, or the Value of them must be either in his Majesty's own Possession, or in the Hands of his Officers.

Upon the whole it is evident, that our Right to reparation is not confined, as has been falsely insinuated, to such Losses only, as have been suffered since the Year 1727; but will extend itself to any Depredations and Violences that we may have suffer'd, in Breach of former Treaties, either in *Europe* or the *West-Indies*.

And it is with the utmost Satisfaction that I observe, that the Readiness and Cordiality with which his Catholick Majesty enter'd into this Treaty, gives us great Reason to think him sincerely disposed

posed to fulfil punctually, the several Engagements of it ; and that as a farther Proof of these good Dispositions on the Part of *Spain*, several Cédulas in favour of the South-Sea Company, as also that for the Restitution of all Prizes taken from our Merchants since the Arrival of the King of *Spain's* Orders at *Cartagena* the 22d of *June* 1728, have been already actually transmitted hither from *Seville*.

It has been suggested that *these Demands may be frustrated by a pretence of illicit Trade, such as having one single Piece of Eight on Board, when taken, which it is said can scarce fail to happen* ; In answer to this Objection, I shall only observe, that this can never be the Case of any Ships that traded fairly to our own Ports, and had not carry'd on an unlawful Commerce to the Ports of the *Spanish West-Indies* ; for no Ship that has not been so trading can be seized or confiscated for having *Spanish Money* on Board. If therefore any Subject of *England* shall suffer upon this Article, he will suffer not for want of the King's Care in establishing

blishing former Treaties, and securing to his Subjects the Benefit of them, but for wilfully transgressing Himself the Articles of Commerce long since establish'd between the two Nations, and indeed between *Spain* and all other Nations who trade with that Kingdom.

Having thus given my Sentiments upon the Treaty lately concluded at *Seville*, and proved it to be just, honourable and advantageous, I cannot omit making one Observation in order to shew his Majesty's Goodness to his *British* Subjects upon this Occasion. His Majesty by his wise and steady Conduct had given so happy a Turn to the Affairs of *Europe*, that the Courts of *Vienna* and *Madrid* seemed equally desirous of being reconcil'd to him ; and his Majesty's preferring an Alliance with *Spain*, is a strong Proof that the Interests of *Great Britain* have the chief Place in his Thoughts. His Majesty might certainly have promised himself not only Security, but even great Advantages to his *German* Territories, from a Reconciliation with the Emperor ; and on the contrary, he may now perhaps meet with Marks of Resentment

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in those Quarters. *Seckendorff*, the Imperial Minister at *Berlin*, will without doubt be again called upon to exert the Credit which he pretends to have gain'd with his *Prussian* Majesty, to induce him to quarrel once more with those to whom he ought by all the Ties of Blood, Interest, and Religion, to be most closely united. But the Consideration of these Dangers made no Impression upon his Majesty, nor did in the least influence his Determination as to the Part he was to take; He saw that *Great Britain* as to herself, would have nothing to apprehend from the Emperor after his Separation from his Catholick Majesty; and the Advantages accruing to this Nation in Point of Trade and Commerce, were too obvious for Him to hesitate a Moment in closing with *Spain*.

What I have just mentioned concerning *Prussia*, leads me to reflect a little upon what has pass'd so lately with Relation to that Court, which furnishes us with such a remarkable Instance of the ill Dispositions and Designs of these Gentlemen, that if it were not already too publick and notorious, I should be glad, for the Honour of my Country, to pass it
over

over in Silence. Upon the first Prospect of an Accommodation with *Spain*, their Attention and Hopes were immediately fixed upon the King of *Prussia*, and being apprehensive that they should soon be driven from the Congress at *Soissons*, they resolved to take Refuge in that at *Brunswick*. And tho', at the time when the King of *Prussia* espous'd the Interests of *England*, by entering into the *Hanover* Alliance, they could not prevail upon themselves to treat him with common Decency, but represented him as an unprofitable Ally, one that would rather be an Expence, than of real Service to any Cause that he engaged in, yet, those very Persons, upon the first News of the late Differences between his Majesty and the Court of *Berlin*, immediately began to alter their Language : and the King of *Prussia* was now become their Hero. At the same time the just Measures his Majesty was taking for procuring the Restitution of some of his Subjects, who had been forcibly carried out of his *German* Dominions, were represented as Acts of Hostility ; and by a new Method of Reasoning, his

Majesty was declared the Aggressor for having only us'd Reprizals,

In the mean while his Majesty's Allies were told that they were not oblig'd to take Part in this Quarrel, nor were at all concern'd in the Consequences of it. In short, no Arguments were omitted that might *provoke* or *encourage* the King of *Prussia* to a Rupture. Thus did these faithful Subjects, on one Hand, endeavour to raise an Enemy against his Majesty, and on the other, to deprive him of all Hopes of Assistance. The Event indeed did not answer their wicked Expectations, for the Storm which then threatened his Majesty's Dominions was so happily dissipated, that it only gave him an Opportunity of shewing his own personal Resolution, and of receiving the most glorious Proofs of the Zeal and Fidelity of his Allies,

For my own Part I must confess I cannot see how it can be the Duty of an *Englishman* to encourage foreign Powers to invade the King's *German* Dominions, and to excite the neighbouring
Princes

Princes to oppress a People merely because they acknowledge the same Sovereign that we do. That Country, Barren and Despicable as it has been represented, has surely the common Claim of all Protestant Nations to our Favour and good Wishes, if not to our Protection ; the last as well as the present Parliament have declared themselves to be in this Way of thinking, and we need not surely repine at their Quiet, nor are we under any Temptation to disturb it. I hope therefore that the malicious Desire which these false Patriots have shewn to distress the King's Affairs *there*, will have no other Effect than to open the Eyes of those who have been deceived by their specious Pretences of Loyalty and Affection for His Majesty ; and it may reasonably be expected that the complaisant Person, who once condescended to make a private Submission in the last Reign for some free Expressions that fell from him in publick, upon a Subject not very unlike that which I have been now treating of, will think this a proper Occasion for shewing once more his great Address in making Recantations.

After

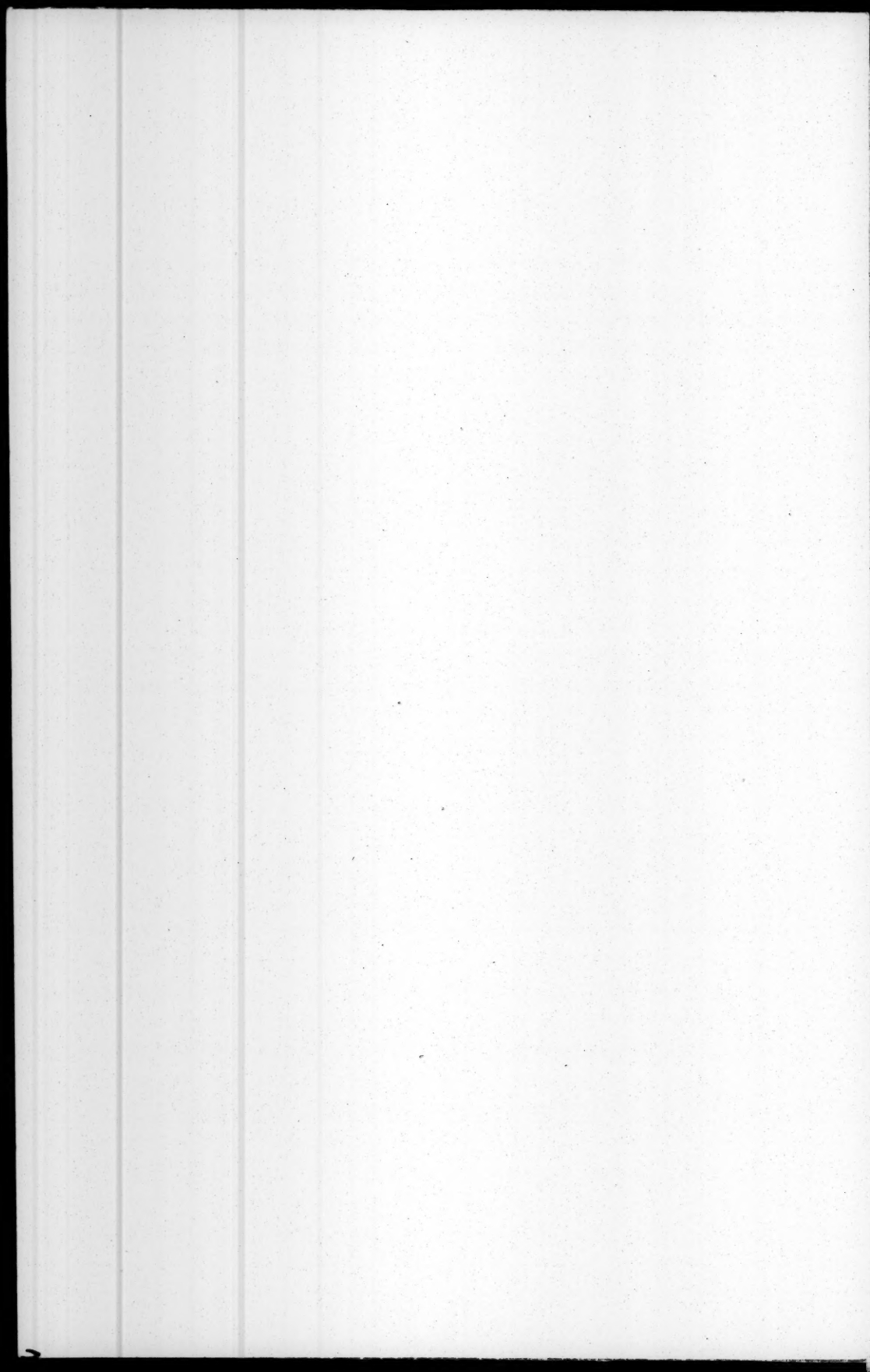
After all, if this Gentleman and his Associates should find themselves precluded by an Accommodation of all our Differences Abroad from their late Favourite Topicks, I shall not be surprized to see them fall again into their usual Declamation upon *weak* and *corrupt* Ministers ; though such a Charge upon those who have the Honour to be employ'd by His Majesty, may seem a little unseasonable at a Time when we are reaping the Fruits of their Abilities and Integrity.

And, besides that an Imputation of this kind is in it self very unjust ; were there any Foundation for it, it would come with a very ill Grace from those who are so fond of fixing it upon them. If I had either Leisure or Inclination to examine into the Behaviour of the only one of this Cabal, who was ever in a Station, that could give him the least Appearance of being at the Head of Affairs, I believe I could produce as strong Instances not only of Want of Capacity, but of every Virtue
which

which can qualify a Man for a publick Employment, as the weakeſt and moſt wicked Adminiſtration was ever accused of. And I am very ſorry to ſay, that his Conduct ſince the Time of his withdrawing from the juſt Punishment, which his injur'd Country was preparing for him, has not given the leaſt Reaſon to think that either his Judgment or his Morals are at all improv'd, by the Miſfortunes in which his Folly and the moſt profligate Diſregard of all that is held ſacred amongſt other Men, had involv'd him.

In Page 10, Line 20, for *has* read
having.





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THE
TREATY

Great B. and Ireland. page 11
OF

Peace, Union, Friendship,

AND

Mutual Defence,

Between the CROWNS of

Great-Britain, France, and Spain,

Concluded at *Seville* on the 9th of *Novem-*
ber, N. S. 1729.

Taken from the *Daily Post-Boy* of
January 8, 1729.

To which are added, the Two Separate
Articles.



THE
TREATY
OF
Peace, Union, Friendship,
AND
Mutual Defence,

Between the CROWNS of
Great - Britain, France, and Spain,
Concluded at *Seville* on the 9th of *November, N. S. 1729.*

*In the Name of the most Holy Trinity,
Father, Son, and Holy Ghost, three
distinct Persons, and one only true
God.*

THEIR most Serene Majesties the King
of *Great-Britain*, the most Christian
King, and the Catholick King, desiring, with
equal Earnestness, not only to renew and bind

more closely their antient Friendship, but likewise to remove whatever might hereafter disturb it; to the End, that being united in Sentiments and Inclination, they may for the future act in every thing as having but one and the same View and Interest; and for this purpose, the most Serene King of *Great Britain* having given full Power for treating in his Name to *M. William Stanhope*, Vice-Chamberlain of his *Britannick* Majesty's Household, one of his Privy Council, Member of the Parliament of *Great-Britain*, Colonel of a Regiment of Dragoons, and his said Majesty's Ambassadour Extraordinary to his Catholick Majesty; as also to *M. Benjamin Keene*, his said *Britannick* Majesty's Minister Plenipotentiary to his Catholick Majesty: The most Serene most Christian King having given full Power for treating in his Name to the Marquess *de Brancas*, Lieutenant-General of his Armies, Knight of his Orders and of that of the *Golden-Fleece*, his Lieutenant-General in the Government of *Provence*, and his Ambassadour Extraordinary to his Catholick Majesty: And the most Serene Catholick King having likewise given full Power for treating in his Name to *M. John Baptist D'Orendayn* Marquess *de la Paz*, his Counsellour of State
and

and first Secretary of State and of the Dispatches; and to *M. Joseph Patino*, Commander of *Alcuesca* in the Order of *St. James*, Governor of the Council of the Treasury, and of the Tribunals depending thereon, Superintendant-General of the general Revenues, and his Secretary of State and of the Dispatches for Affairs of the Marine, the *Indies*, and the Treasury : The above-mentioned Ministers have agreed between them on the following Articles.

ARTICLE I.

There shall be from this Time and for ever a solid Peace, a strict Union, and a sincere and constant Friendship between the most Serene King of *Great Britain*, the most Serene most Christian King, and the most Serene King of *Spain*, their Heirs and Successors, as also between their Kingdoms and Subjects, for the mutual Assistance and Defence of their Dominions and Interests; there shall likewise be an Oblivion of all that is past; and all the former Treaties and Conventions of Peace, of Friendship, and of Commerce, concluded between the contracting Powers respectively, shall be, as they hereby are, effectually renewed

ed and confirmed, in all those Points which are not derogated from by the present Treaty, in as full and ample a Manner, as if the said Treaties were here inserted Word for Word. Their said Majesties promising not to do any Thing, nor suffer any thing to be done, that may be contrary thereto directly or indirectly.

II.

In Consequence of which Treaties, and in order to establish firmly this Union and Correspondence, their *Britannick*, most Christian, and Catholick Majesties, promise and engage by the present defensive Treaty of Alliance, to guarantee reciprocally their Kingdoms, States, and Dominions under their Obedience, in what Parts of the World soever situate, as also the Rights and Privileges of their Commerce, the whole according to the Treaties; so that the said Powers, or any one of them, being attacked or molested by any Power and under any pretext whatever, They promise and oblige themselves reciprocally to employ their Offices, as soon as they shall be thereto required, for obtaining Satisfaction to the Party injured, and for hindring the Continuance

nuance of Hostilities ; and if it happen that the said Offices be not sufficient for procuring Satisfaction without Delay, their said Majesties promise to furnish the following Succours, jointly, or separately, that is to say, his *Britannick* Majesty Eight Thousand Foot and Four Thousand Horse; his most Christian Majesty Eight Thousand Foot and Four Thousand Horse; and his Catholick Majesty Eight Thousand Foot and Four Thousand Horse : If the Party attacked, instead of Troops, should demand Ships of War or Transports, or even Subsidies in Money, he shall be free to chuse, and the other Parties shall furnish the said Ships or Money, in proportion to the Expence of Troops; and for taking away all Doubt touching the Valuation of the Succours, their abovesaid Majesties agree, that a Thousand Foot shall be computed at Ten Thousand Florins Dutch Money, and a Thousand Horse at Thirty Thousand Florins Dutch Money, by the Month; and the same Proportion shall be observed with respect to the Ships that ought to be furnished; their said Majesties promising to continue and keep up the said Succours as long as the Trouble shall subsist; and in case it should be found necessary, their said Majesties shall mutually suc-
cour

our each other with all their Forces, and shall even declare War against the Aggressor.

III.

The Ministers of his *Britannick* Majesty and of his most Christian Majesty, having alledg'd, That in the Treaties concluded at *Vienna* between the Emperour and the King of *Spain*, in the Year One thousand Seven hundred twenty five, there were divers Clauses that infringed the Articles of the several Treaties of Commerce, or of the Treaties of Peace in which Commerce may be concerned, antecedent to the Year One thousand seven hundred twenty five, His Catholick Majesty has declared, as he declares by the present Article, That he never meant to grant, nor will suffer to subsist by Virtue of the said Treaties of *Vienna*, any Privilege contrary to the Treaties here above confirmed.

IV.

It having been agreed by the Preliminary Articles, that the Commerce of the
English

English and *French* Nations, as well in *Europe* as in the *Indies*, should be reestablished on the Foot of the Treaties and Conventions antecedent to the Year One thousand seven hundred twenty five, and particularly, that the Commerce of the *English* Nation in *America* should be exercised as heretofore ; it is agreed by the present Article, That all necessary Orders shall be dispatched on both Sides, without any Delay, if they have not been sent already, as well for the Execution of the said Treaties of Commerce, as for supplying what may be wanting for the entire Reestablishment of Commerce, on the Foot of the said Treaties and Conventions.

V.

Although it was stipulated by the Preliminaries, That all Hostilities should cease on both Sides, and that if any Trouble or Hostilities should happen between the Subjects of the contracting Parties, either in *Europe* or in the *Indies*, the contracting Powers should concur for the Reparation of Damages sustained by their respective
F Subjects ;

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V.

Although it was stipulated by the Preliminaries, That all Hostilities should cease on both Sides, and that if any Trouble or Hostilities should happen between the Subjects of the contracting Parties, either in *Europe* or in the *Indies*, the contracting Powers should concur for the Reparation of Damages sustained by their respective
F Subjects;

Subjects; and notwithstanding this it is al-
 ledged, that on the Part of the Subjects
 of his Catholick Majesty, Acts of Distur-
 bance and Hostilities have been continued;
 it is agreed by this present Article, That
 as to what relates to *Europe*, his Catholick
 Majesty shall forthwith cause Reparation to
 be made for the Damages which have been
 suffered there since the Time prescribed by
 the Preliminaries for the Cessation of Ho-
 stilities; and as to what relates to *America*,
 he will likewise forthwith cause Repara-
 tion to be made for the Damages which
 shall have been suffered there since the Arri-
 val of his Orders at *Cartagena* on the
Eleventh _____ Day of *June*, One thousand
Twenty Second seven hundred twenty eight. And his said
 Catholick Majesty shall publish the most
 rigorous Prohibitions for preventing the
 like Violences on the Part of his Subjects;
 their *Britannick* and most Christian Ma-
 jesties promising on their Part, if there be
 like Cases, to cause Reparation to be made
 for what shall have been so done, and to
 give like Orders for the Preservation of
 the

the Peace, Tranquillity, and good Intelligence.

VI.

Commissaries shall be nominated with sufficient Powers, on the Part of their *Britannick* and Catholick Majesties, who shall assemble at the Court of *Spain* within the Space of Four Months after the Exchange of the Ratifications of the present Treaty, or sooner if it can be done, to examine and decide what concerns the Ships and Effects taken at Sea on either Side to the Time specified in the preceeding Article. The said Commissaries shall likewise examine, and decide, according to the Treaties, the respective Pretensions which relate to the Abuses that are supposed to have been committed in Commerce, as well in the *Indies* as in *Europe*, and all the other respective Pretensions in *America*, founded on Treaties, whether with respect to the Limits or otherwise. The said Commissaries shall likewise discuss and decide the Pretensions which his Catholick Majesty may have, by Virtue of the Treaty of One thousand seven hundred twenty one for the Restitution of the

Ships taken by the *English* Fleet in the Year One thousand seven hundred eighteen. And the said Commissaries after having examined discussed and decided the abovesaid Points and Pretensions, shall make a Report of their Proceedings to their *Britannick* and Catholick Majesties, who promise that within the Space of Six Months after the making of the said Report, they will cause to be executed punctually and exactly what shall have been so decided by the said Commissaries.

VII.

Commissaries shall likewise be nominated on the Part of his most Christian Majesty, and of his Catholick Majesty, who shall examine all Grievances generally whatsoever which the said Parties therein interested may form respectively, whether for the Restitution of Vessels seized or taken, or with respect to Commerce, Limits, or otherwise.

VIII.

The said Commissaries shall finish punctually their Commission within the Space of three Years, or sooner if it can be done, to be
computed

computed from the Day of the signing of the present Treaty, and this without any further Delay, on any Motive or Pretext whatever.

IX.

The introducing of Garrisons into the Places of *Legborne*, *Porto-ferraio*, *Parma*, and *Placentia*, to the Number of Six thousand Men of his Catholick Majesty's Troops and in his Pay, shall be effectuated without Loss of Time; which Troops shall serve for the better securing and preserving of the immediate Succession of the said States in Favour of the most Serene Infante Don *Carlos*, and to be ready to withstand any Enterprize and Opposition which might be formed to the Prejudice of what has been regulated touching the said Succession.

X.

The contracting Powers shall forthwith use all the Applications which they shall judge to be consistent with the Dignity and Quiet of the most Serene Great Duke of *Tuscany*, and the Duke of *Parma*, to the End the Garrisons may be received with the greatest Tranquility

Tranquility and without Opposition, as soon as they shall present themselves before the Places into which they are to be introduced.

The said Garrisons shall take an Oath to the present Possessors to defend their Persons, Sovereignty, Possessions and States, and Subjects, in every thing that shall not be contrary to the Right of Succession reserved to the most Serene Infante Don *Carlos*, and the present Possessors shall not demand or exact any thing that is contrary thereto.

The said Garrisons shall not meddle directly or indirectly, under any Pretext whatsoever, in Affairs of the political, æconomical or civil Government; and shall have most express Orders to render to the most Serene Great Duke of *Tuscany* and the Duke of *Parma*, all the Respects and military Honours that are due to Sovereigns in their own Dominions.

XI.

The Intent of introducing the said Six thousand Men of his Catholick Majesty's Troops and in his Pay, being to secure to the most Serene Infante Don *Carlos* the immediate

diate Succession of the States of *Tuscany Parma* and *Placentia*, his Catholick Majesty promises, as well for himself as his Successors, that as soon as the most Serene Infante Don *Carlos* his Son, or such other who shall succeed to his Rights, shall be the quiet Possessor of those States, and in Safety from all Invasion and other just Grounds of Fear, He will cause to be withdrawn from the Places in those States the Troops which shall be his own, and not belonging to the Infante Don *Carlos*, or to him who shall succeed to his Rights, in such manner that thereby the said Succession or Possession may rest secure and exempt from all Events.

XII.

The contracting Powers engage to establish, according to the Rights of Succession which have been stipulated, and to maintain the most Serene Infante Don *Carlos*, or him to whom his Rights shall devolve, in the Possession and Enjoyment of the States of *Tuscany, Parma*, and *Placentia*, when he shall once be settled there; to defend him from all Insult, against any Power whatsoever, that might intend to disturb him; declaring themselves
by

by this Treaty, Guarantees for ever of the Right, Possession, Tranquility, and Quiet of the most Serene Infante, and of his Successors to the said States.

XIII.

As to other Particulars or Regulations concerning the keeping up of the said Garrisons once established in the States of *Tuscany*, *Parma*, and *Placentia*, as it is to be presumed that his Catholick Majesty and the most Serene Great Duke and Duke of *Parma* will settle the same by an Agreement between themselves, their *Britannick* and most Christian Majesties promise, that as soon as that Agreement shall be made, they will ratify and guarantee it, as well to his Catholick Majesty, as to the most Serene Great Duke and Duke of *Parma*, as if it were inserted Word for Word in the present Treaty.

XIV.

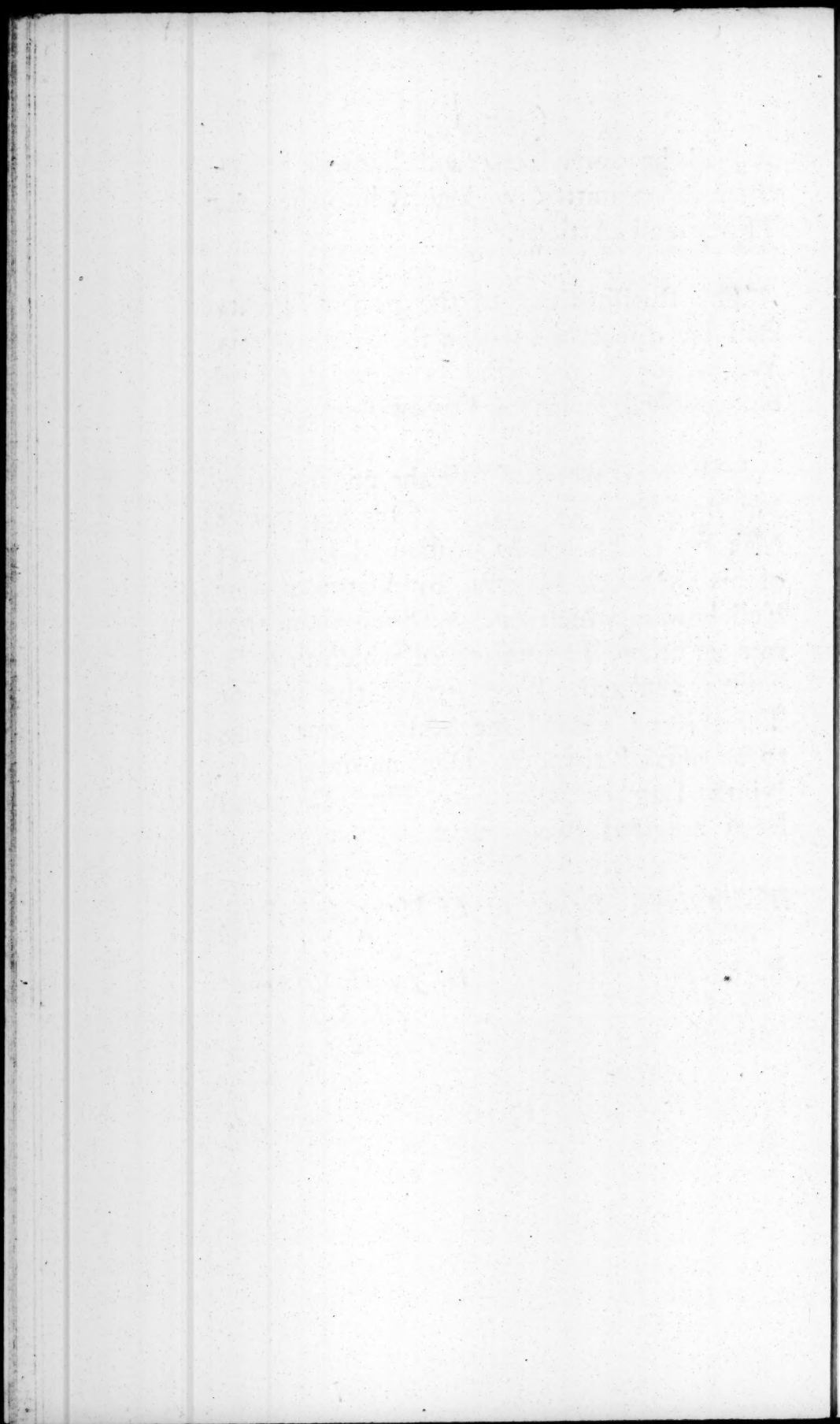
The States General of the United Provinces shall be invited to come into the present Treaty and Articles. Such other Powers

as shall be agreed on, shall likewise be invited and admitted by Concert into the same Treaty and Articles.

The Ratifications of the present Treaty shall be dispatched within the Space of Six Weeks, or sooner if it can be done, to be reckoned from the Day of signing it.

In Witness whereof, We the underwritten Ministers Plenipotentiaries of his *Britannick* Majesty, of his most Christian Majesty, and of his Catholick Majesty, by Virtue of our Full Powers, which have been communicated to each other, Transcripts of which shall be hereto annexed, have signed the present Treaty, and caused the Seals of our Arms to be affixed thereto. Done at *Seville*, the Ninth Day of *November*, One Thousand seven hundred twenty nine.

<i>W. Stanhope.</i>	<i>Branca.</i>	<i>El Marq. de la Paz.</i>
(L. S.)	(L. S.)	(L. S.)
<i>B. Keene.</i>		<i>D. Joseph Patino.</i>
(L. S.)		(L. S.)



Separate Articles.

ARTICLE I.

ALthough, conformably to the Preliminary Articles, it is said in the Fourth Article of the Treaty signed this Day, that the Commerce of the *English* Nation in *America* should be reestablished on the Foot of the Treaties and Conventions antecedent to the Year One thousand seven hundred twenty five ; however, for the greater Exactness, it is further declared by the present Article between their *Britannick* and Catholick Majesties, which shall have the same Force, and be under the same Guaranty as the Treaty signed this Day, that under that general Denomination are comprehended the Treaties of Peace and of Commerce concluded at *Utrecht* the Thirteenth of *July* and Ninth of *December* in the Year One thousand seven hundred thirteen, in

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which

which are comprised the Treaty of One thousand six hundred sixty seven, made at *Madrid*, and the Cédulas therein mentioned : The later Treaty made at *Madrid* the Fourteenth of *December*, One thousand seven hundred fifteen ; as also the particular Contract, commonly called the *Affiento*, for bringing Negro Slaves into the *Spanish Indies*, which was made the twenty sixth Day of *March*, in the said Year One thousand seven hundred thirteen, in Consequence of the Twelfth Article of the Treaty of *Utrecht* ; and likewise the Treaty of Declaration, touching that of the *Affiento*, made the twenty sixth of *May*, One thousand seven hundred sixteen : All which Treaties mentioned in this Article, with their Declarations, shall from this Day (even during the Examination by the Commissaries) be and remain in their Force, Virtue and full Vigour ; for the Observation of which his Catholick Majesty shall cause to be dispatch'd forthwith, if they have not been dispatch'd, the necessary Orders and Cédulas to his Viceroy, Governors, and other Ministers to whom it shall appertain, as well in *Europe* as in the *Indies*, to the End that without any Delay
or

or Interpretation they may cause them to be observed and fulfilled.

In like manner his *Britannick* Majesty promises and engages to publish the necessary Orders, if any be wanting, for reestablishing the Commerce of the Subjects of *Spain* in all the Countries under his Dominion, on the Foot specified by the said Treaties, and for causing them to be exactly observed and fulfilled.

II.

Consequently, all Ships, Merchandize and Effects, which shall not have been taken or seized on Account of unlawful Commerce, and which shall now be proved by authentic Proofs and Documents to have been detained, seized or confiscated in the Ports of *Spain*, either in *Europe* or in the *Indies*, and namely the Ship *Prince Frederick* and her Cargo, if they have not been restored already, shall be immediately restored, in the same Kind as to those things which shall be found still remaining in that Condition; or in Default thereof, the just and true Value of them, according to their Valuation, which, if it was not made at the Time, shall

shall be regulated by the authentick Informations which the Proprietors shall exhibit to the Magistrates of the Places and Towns where the Seizures were made : His *Britannick* Majesty promising the like on his Part, as to all Seizures, Confiscations, or Detentions which may have been made contrary to the Tenour of the said Treaties : Their said *Britannick* and Catholick Majesties agreeing, that with respect to the like Seizures, Confiscations or Detentions on either Side, the Validity of which may not yet have been sufficiently made out, the Discussion and Decision of them shall be referred to the Examination of the Commissaries, to do therein according to Right upon the Foot of the Treaties here above-mentioned.

The present separate Articles shall have the same Force as if they had been inserted Word for Word in the Treaty concluded and signed this Day. They shall be ratified in the same Manner, and the Ratifications of them shall be exchanged at the same Time as those of the said Treaty.

In Witness whereof we the underwritten Ministers Plenipotentiaries of his *Britannick*
Majesty

(23).

Majesty, of his most Christian Majesty, and of his Catholick Majesty, by Virtue of our Full Powers, have signed the present separate Articles, and caused the Seals of our Arms to be put thereto. Done at *Seville* the ninth Day of *November*, One thousand seven hundred twenty nine.

W. Stankope. *Branças.* *El Marq. de la Paz.*
(L.S.) (L.S.) (L.S.)

B. Keene. *D. Joseph Patine.*
(L.S.) (L.S.)

F I N I S.

